

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

TAMARA STACKPOOLE, on behalf of
herself and others similarly situated,

Plaintiff,

v.

CUBIC CORPORATION, CUBIC
TRANSPORTATION SYSTEMS, INC., and
DOE DEFENDANTS 1-20,

Defendant.

Case No. 18-cv-4906

Hon. Judge Sharon Johnson Coleman

Hon. Magistrate Judge Sheila Finnegan

JOINT MOTION TO AMEND COMPLAINT AND SET RESPONSE DEADLINE

Plaintiff Tamara Stackpoole (“Plaintiff”) and Defendants Cubic Corporation and Cubic Transportation Systems, Inc. (together, “Cubic”), by and through undersigned counsel, as for their Joint Motion to Amend Complaint and Set Response Deadline, respectfully state as follows:

1. Plaintiff initiated this action on June 7, 2018.
2. Cubic removed this action on July 18, 2018. (*See* DE 1.)
3. Pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), Cubic’s deadline to respond to Plaintiff’s Complaint is July 25, 2018. Further, pursuant to the minute entry of July 23, 2018, “In the event that the defendant files a motion under Federal Rule of Civil Procedure 12(b), the defendant is granted leave to notice that motion for presentment at the date and time of the status hearing,” which is presently set for Sept. 17, 2018, at 9:00 a.m. (*See* DE 10.)
4. The Parties have informally shared information concerning this action and continue to do so. This enables the parties the opportunity to crystalize or narrow issues of contention, or agreement, with respect to Plaintiff’s claims.
5. Plaintiff wishes to amend her complaint incorporating information Cubic produced (or may produce) that Cubic has designated or may designate as confidential.

6. In light of the above, to avoid responding to Plaintiff's complaint given the forthcoming amended complaint, in order to account for schedules of counsel, and in order to meet the demands of applicable Court orders, the Parties have agreed to—and respectfully request that the Court permit—the following schedule for the amended complaint and Cubic's response thereto:

- a. The parties shall jointly move for entry of a protective order by August 13, 2018;
- b. Plaintiff shall file an amended complaint within 21 days of entry of a protective order by the Court; and
- c. Cubic shall file a responsive pleading within 21 days of the filing of Plaintiff's amended complaint.

7. The motion is not meant to delay the proceedings, but rather, serves interests of judicial economy, streamlines issues for the parties and the Court, and enables the parties to avoid unnecessary expense.

WHEREFORE, the Parties respectfully request this Honorable Court to enter an order (i) permitting the parties to jointly move for entry of a protective order by August 13, 2018; (ii) permitting Plaintiff to file an amended complaint within 21 days of entry of a protective order by the Court; (iii) permitting Cubic to file a responsive pleading within 21 days of the filing of Plaintiff's amended complaint; and (iv) granting all such other relief it deems equitable and just.

Dated: July 23, 2018

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**

By: /s/ David S. Almeida

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Dated: July 23, 2018

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **JOINT MOTION TO AMEND COMPLAINT AND SET RESPONSE DEADLINE** was served upon all interested parties using this Court's ECF filing system this 23rd day of July, 2018.

/s/ David S. Almeida